

Message Text

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ORIGIN OFA-01

INFO OCT-01 ARA-10 EUR-12 EA-10 ISO-00 L-02 COME-00 DLOS-05

FEA-01 ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-02 DODE-00 DOTE-00 EB-07 EPA-04 ERDA-07

FMC-02 H-02 INR-07 INT-05 IO-10 JUSE-00 NSAE-00

NSC-05 NSF-02 OES-05 OMB-01 PA-02 PM-03 PRS-01 SP-02

SS-15 USIA-15 /166 R

DRAFTED BY OES/OFA /FA BSHALLMAN:EEB

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EUR-M.HUGHES

COMM/NOAA-H.BEASLEY

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R 192351Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

AMEMBASSY SAN JOSE

AMEMBASSY MANAGUA

AMEMBASSY PANAMA

AMEMBASSY PARIS

AMEMBASSY OTTAWA

AMEMBASSY TOKYO

AMEMBASSY MADRID

UNCLAS STATE 116908

E.O. 11652: N/A

TAGS: EFIS, IATTC, XP

SUBJECT: ENFORCEMENT OF IATTC CONSERVATION MEASURES

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1. ADDRESSEE POSTS ARE REQUESTED TO PASS FOLLOWING INFO
IN FORM OF AIDE-MEMOIRE TO HOST GOVERNMENT OFFICIALS CON-
CERNED WITH IATT AFFAIRS:

AT THE 17TH INTERGOVERNMENTAL MEETING ON THE CONSERVATION
OF YELLOWFIN TUNA, HELD IN SAN DIEGO, CALIFORNIA,
MARCH 3-5, 1975, THE UNITED STATES EXPRESSED ITS VERY
SERIOUS CONCERN OVER THE SITUATION CONCERNING THE ENFORCE-
MENT OF THE CONSERVATION RECOMMENDATIONS OF THE INTER-
AMERICAN TROPICAL TUNA COMMISSION (IATTC). THERE IS CON-
TINUING CONCERN THAT LARGE VESSELS OF SEVERAL MEMBER AND
NONMEMBER COUNTRIES ARE FISHING FREELY FOR YELLOWFIN TUNA
IN THE COMMISSION'S YELLOWFIN REGULATORY AREA (CYRA) DURING
THE CLOSED SEASON AND ALSO THAT SOME VESSELS ARE UNLOAD-
ING YELLOWFIN TUNA FOR SALE IN OTHER THAN THEIR FLAG
COUNTRIES SO AS TO AVOID THE RESTRICTIONS IMPOSED DURING
THE CLOSED SEASON. THE UNITED STATES HAS URGED ON
NUMEROUS OCCASIONS AND THROUGH VARIOUS CHANNELS THAT ACTION
BE TAKEN BY ALL COUNTRIES PARTICIPATING IN THE FISHERY TO
PREVENT AND DETECT VIOLATIONS OF THE CONSERVATION RECOMMEN-

DATIONS BY THEIR FLAG VESSELS. UNFORTUNATELY, NO SOLUTIONS
OR SIGNIFICANT ACTIONS HAVE RESULTED FROM THESE EFFORTS.
AT THE INTERGOVERNMENTAL MEETING HELD IN SAN DIEGO, THE
UNITED STATES SUBMITTED FOR CONSIDERATION A DRAFT RESOLU-
TION AIMED AT HELPING TO RESOLVE THE ENFORCEMENT PROBLEM.
THE VARIOUS DELEGATIONS WERE NOT ABLE TO SUPPORT THE
UNITED STATES PROPOSAL BUT AGREED TO SUBMIT THE DRAFT RESO-
LUTION TO THEIR GOVERNMENTS FOR STUDY AND TO COMMUNICATE
THEIR VIEWS WITHIN 60 DAYS TO THE UNITED STATES. THIS 60
DAY PERIOD HAS PASSED WITH NO COUNTRY RESPONDING TO THE
UNITED STATES PROPOSALS.

IN LIGHT OF THE DIFFICULTY WHICH MANY NATIONS PARTICIPATING
IN THIS FISHERY APPARENTLY HAVE IN ESTABLISHING A SYSTEM TO
ENSURE THAT THE COMMISSION'S REGULATIONS ARE ADHERED TO,
THE UNITED STATES MUST NOW CAREFULLY REVIEW ITS DOMESTIC
LAWS PERTAINING TO THE ENFORCEMENT ISSUE, INCLUDING THE
LAW WHICH WAS ENACTED TO IMPLEMENT THE INTER-AMERICAN
TROPICAL TUNA CONVENTION. THESE LAWS, AMONG OTHER
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THINGS, PROVIDE FOR THE PROHIBITION OF ENTRY INTO THE
UNITED STATES OF TUNA OR OTHER FISHERY PRODUCTS FROM COUN-
TRIES FOUND TO BE CONDUCTING FISHING OPERATIONS IN A MANNER
WHICH TENDS TO DIMINISH THE EFFECTIVENESS OF THE IATTC CON-
SERVATION PROGRAM. ALSO EMBODIED IN DOMESTIC LAW IS A
PROVISION RELATING TO THE SUSPENSION OF REGULATIONS GOVERN-
ING THE OPERATIONS OF U.S. TUNA FISHERMEN IN THE COMMISSION
YELLOWFIN REGULATORY AREA (CYRA) UPON A DETERMINATION THAT

FOREIGN FISHING OPERATIONS IN THE REGULATORY AREA ARE SUCH AS TO CONSTITUTE A SERIOUS THREAT TO THE ACHIEVEMENT OF THE OBJECTIVES OF THE IATTC RECOMMENDATIONS.

THE UNITED STATES HAS MADE SIGNIFICANT EFFORTS TO PREVENT ITS OWN VESSELS FROM VIOLATING IATTC CONSERVATION RECOMMENDATIONS. THESE EFFORTS INCLUDE ANNUAL IMPLEMENTATION OF COMMISSION RECOMMENDATIONS, ENFORCEMENT REGULATIONS, EFFECTIVE SURVEILLANCE OF THE ACTIVITIES OF THE U.S. TUNA FLEET, AND APPREHENSION OF VIOLATORS COUPLED WITH VIGOROUS PROSECUTION AND THE IMPOSITION OF SEVERE PENALTIES. WE REGRET THAT NOT ALL OTHER PARTICIPANTS IN THE FISHERY ARE MAKING A SIMILAR INDIVIDUAL EFFORT AND AT THE SAME TIME APPEAR UNABLE TO WORK TOWARD THE DEVELOPMENT OF A COOPERATIVE INTERNATIONAL ENFORCEMENT PROGRAM. WHEN A NUMBER OF GOVERNMENTS HAVE AGREED TO PARTICIPATE IN A CONSERVATION PROGRAM FOR MAINTAINING THE PRODUCTIVITY OF A HIGH-SEAS RESOURCE, ALL OF THEM MUST ENFORCE THE CONSERVATION MEASURES WITH COMPARABLE STRICTNESS AND EFFICIENCY AGAINST THEIR NATIONALS.

THE UNITED STATES CONTINUES TO HOPE THAT A RESOLUTION OF THIS PROBLEM CAN BE ACHIEVED THROUGH APPROPRIATE DIPLOMATIC MEANS AND THAT SERIOUS WORK CAN BEGIN TOWARD THE DEVELOPMENT OF A MEANINGFUL INTERNATIONAL ENFORCEMENT SYSTEM. IF THE PROBLEM CANNOT BE SATISFACTORILY RESOLVED, IT SEEMS LIKELY THAT THE CONSERVATION PROGRAM WILL DETERIORATE AND ALL NATIONS PARTICIPATING IN THIS IMPORTANT FISHERY WILL BE ADVERSELY AFFECTED.

2. FYI - POSTS SHOULD BE AWARE THAT, ALTHOUGH IT SEEMS ONLY APPROPRIATE TO PASS ABOVE INFO TO ALL IATTC MEMBER COUNTRIES, NOT ALL ARE CAUSING PROBLEMS WITH RESPECT TO ENFORCE-
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MENT. FOR ONE REASON OR ANOTHER, JAPAN, COSTA RICA, NICARAGUA, AND MEXICO HAVE NO REAL NEED TO ENFORCE. CANADA AND PANAMA HAVE NEED TO ENFORCE BUT NOT MEANS AND ARE PROBLEMS. FRANCE HAS NEED (BECAUSE OF LARGE VESSELS) AND NOT MEANS TO ENFORCE, BUT WE HAVE HEARD NO REPORTS OF VIOLATIONS. SPAIN IS NOT MEMBER OF COMMISSION BUT IS CAUSING SERIOUS PROBLEMS BY UNRESTRICTED FISHING, AND ABOVE INFO CERTAINLY APPLIES TO SPANISH FISHING. INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TUNA, CONSERVATION, AIDE MEMOIRE
Control Number: n/a
Copy: SINGLE
Draft Date: 19 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE116908
Document Source: CORE
Document Unique ID: 00
Drafter: EEB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750176-0646
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750538/aaaabhyv.tel
Line Count: 162
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN OFA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 JUL 2003 by SilvaL0>; APPROVED <05 FEB 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ENFORCEMENT OF IATTC CONSERVATION MEASURES UNCLASSIFIED
TAGS: EFIS, XP, IATTC
To: MEXICO MULTIPLE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006